

REMARKS

This amendment is in response to the Office Action mailed August 11, 2003. Claims 1-3, 5-11, 13, and 15-35 were outstanding in the Office Action. Claims 1-3, 5-11, 13, and 15-35 were subjected to a Restriction requirement under 35 USC 121, as set forth in the letter mailed November 21, 2002. Claims 29-35 were withdrawn by the Examiner as being directed to an invention that was not claimed in the original application. Claims 1-3, 5-11, 13 and 15-22 were indicated as being allowable. Claims 23-28 were rejected in view of the prior art. Applicant respectfully requests that the above-identified application be reconsidered in view of the above amendments and remarks, which follow, and that each of the presently pending claims be allowed and the application be passed to issue.

By this amendment, claims 29-35, drawn to the non-elected invention, have now been cancelled.

35 USC 102 Rejections

Claims 24 and 26 stand rejected under 35 USC 102(b) as being anticipated by Sterwerf, Jr. (US Patent No. 5,370,448). The Examiner, in item #6 of the Office Action, avers that the annular groove 31 shown in Sterwerf, Jr., is adapted to receive a generally cylindrical retainer.

In column 7, lines 55-64, of '448, the bit holder is described as including a safety ring 32 that is "...mounted in a groove 31." A cross-section of the cutter tool assembly in figure 1 illustrates the ring 32 and annular groove 31. As illustrated, the radial depth of the groove has a greater dimension than the height of the groove in the axial direction. As the term is generally used in the cutter bit assembly, a retainer having a dimension wherein the annular radial width is greater than the axial height of the retainer, would be considered a retainer ring. The applicant does not believe that any retainer design that could be received within this groove would be referred to by an ordinary artisan as a generally cylindrical retainer. However, by this amendment, in an attempt to expedite prosecution of the present application, the applicant proposes to amend independent claim 24 to recite a generally cylindrical *sleeve* retainer. As now modified, amended claim 24 recites the wear sleeve as having a portion adapted to receive generally cylindrical sleeve retainer. Sterwerf, Jr. does not disclose a sleeve having a portion for receiving a generally cylindrical sleeve retainer. As defined in *The Random House College Dictionary, revised edition*,

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Jess Stein, editor in chief, a sleeve is a tubular piece, as of metal, fitting over a rod or the like, something that envelops, garment that covers an arm. It would do violence to the plain meaning of the term sleeve and/or the outside of the scope of the phrase generally cylindrical sleeve retainer, as understood by an ordinary artisan, to consider any retainer element design that would fit into the annular notch 31 in Sterwerf, Jr. as a generally cylindrical sleeve retainer. It is respectfully submitted that the annular recess portion adapted to receive the ring 32 illustrated in Sterwerf, Jr. is not adapted to receive a generally cylindrical sleeve retainer.

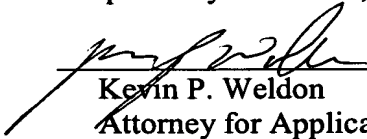
Accordingly, the rejection under 35 USC 102 is now improper, as all the claimed limitations are not disclosed in Sterwerf, Jr. Each and every element recited in the claims must be explicitly disclosed in the reference for a proper rejection under 35 USC 102. Accordingly, it is submitted that the rejection of claim 24 be withdrawn and dependent claims 25-28, which directly depend from claim 24, should also be withdrawn. It is submitted that claims 1-3, 5-11, 13 and 15-28 be allowed.

In view of the above amendments and comments, it is believed that claims 1-3, 5-11, 13 and 15-28 are patentable over the art of record. Thus, applicants respectfully request a Notice of Allowance, indicating claims 1-3, 5-11, 13 and 15-28 as being allowable. If for any reason the Examiner does not believe that the application is in condition for allowance, the Examiner is requested to telephone applicant with any comments or questions (724-539-3848) in order to expedite prosecution of the application.

The Commissioner is hereby authorized to charge any fees, including additional filing fees required under 37 CFR 1.16 and 1.17, and fees for any extension of time in connection with this submission, to Kennametal Inc.-AMSG corporate Deposit Account No. 502832.

Respectfully submitted,

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